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7 *Attorney for Plaintiffs*

8
9 IN THE UNITED STATES DISTRICT COURT
10
11 FOR THE DISTRICT OF ARIZONA

12 MICHAEL and KATHY HANNAPPEL,
13 husband and wife,

14 Plaintiffs,

15 vs.

16 COLORADO CASUALTY
17 INSURANCE COMPANY, a foreign
18 insurer,

19 Defendant.

No. CIV 12-02601-PHX-SRB

20 **PLAINTIFFS' RULE 26(a)(3)**
21 **DISCLOSURE**

22 **I. WITNESSES TO BE CALLED AT TRIAL**

23 **A. Witnesses Who Will be Called**

- 24 1. Michael Hannappel;
- 25 2. Kathy Hannappel;
- 26 3. George Sarkisov;
- 27 4. Kristen Gulstrom, if made available, otherwise to be presented by
28 deposition;
5. Elliott Flood (claim practices);
6. Brian Clymer (workers' compensation mechanics and procedures);
7. Dan Klem

Dan Klem will be called for testimony consistent with his deposition testimony,

1 concerning his meetings with Mike Hannappel about the injury, his problems on the job
2 physically after the injury, and his conversation with Hannappel about needing to put an
3 engine into his truck.

4 8. Gina Kaiser

5 Ms. Kaiser will be called for testimony consistent with her deposition testimony,
6 concerning her communications with Mr. Hannappel, and with Ms. Gulstrom.
7

8 **B. Witnesses Who May be Called**

9 1. Lisa Lamont;

10 2. Evan Lederman, M.D.;

11 3. Sanford Goldstein, PT, CDMS;

12 4. Dorothy Fune, MS, LPC;

13 5. Diane Nayhouse;

14 6. Vanessa Tartaglia-Kean, M.D.
15 18275 N. 59th Ave., Suite 162, Bldg. K
16 Glendale, Arizona 85308
17 602-547-8184

18 Dr. Tartaglia performed initial treatment to Michael Hannappel following his work
19 related injury, and authored reports related thereto that are in the Defendant's possession.
20

21 If called, she will testify that based on her treatment of Mr. Hannappel, she diagnosed
22 him with a work related injury to his left shoulder, referred him to an orthopedic consult,
23 and placed him on no duty and light duty work status.
24

25 7. Terri Carpenter
26 Debbie Stringer
27 18275 N. 59th Ave., Suite 162, Bldg. K
28 Glendale, Arizona 85308

1 Terri Carpenter is the records custodian at Paseo Family Practice. Debbie Stringer
 2 is the front off supervisor. These witnesses may be called to rebut Kristen Gulstrom's
 3 allegations that medical records were requested of their practice, and refused. Both
 4 witnesses can identify that: they know that a worker's compensation insurance carrier
 5 does not need a medical record release to obtain their medical records concerning an
 6 industrial patient; their habit and routine, when medical records are requested by an
 7 industrial carrier, is to note that request in the patient's chart, and to provide the records;
 8 and no such request appears in Hannappel's medical chart.
 9

- 10 8. John J. Kresl, M.D., PhD.
 11 Phoenix Cyber Knife & Radiation Oncology
 12 4611 E. Shea Blvd., Suite 120
 13 Phoenix, Arizona
 14 602-441-3845

15 Dr. Kresl was the managing partner of Phoenix Cyber Knife during the time
 16 Michael Hannappel performed construction services there. If Michael Hannappel's
 17 character for honesty is attacked, Dr. Kresl will be called as a character witness, to testify
 18 regarding Michael Hannappel's reputation for reliability and honesty.

- 19 9. Cindy Gross, MAE;
- 20 10. Dr. Thomas Nelson (psychiatry);
- 21 11. Dr. Robert Bright;
- 22 12. Patricia Al Shatti (LMSW Social Worker);
- 23 13. Dave Hannappel
 24 5625 N. 4th Street
 25 Phoenix, Arizona 85012
 26 602-339-6684

27 Dave Hannappel is Mike Hannappel's brother. He will be called to testify that
 28

1 Mike is an industrious worker, and a trustworthy person.

2 14. Ted Hannappel
3 7139 W. Rue De La Mar
4 Peoria, Arizona 85381
5 602-339-1795

6 Ted Hannappel is Mike Hannappel's brother. He will be called to testify that
7 Mike is an industrious worker, and a trustworthy person. Ted Hannappel will testify that
8 Mike asked to borrow money from him in the 2012 timeframe.

9 15. Gary Hannappel
10 1163 W. Dove Tree Avenue
11 San Tan Valley, Arizona 85140
12 602-339-7480

13 Gary Hannappel is Mike Hannappel's brother. He will be called to testify that
14 Mike is an industrious worker, and a trustworthy person.

15 16. Debbie Hannappel
16 P.O. Box 1275
17 35339 South Pinnacle Place
18 Black Canyon City, Arizona 85324
19 602-463-2090

20 Debbie Hannappel is Mike Hannappel's sister. She can testify regarding the
21 distress Mike Hannappel went through having to fight for insurance benefits, as well as
22 the distress he experienced fighting for benefits at the same time he was diagnosed with
23 cancer.

24 17. Leslie Rohrdanz
25 CA
26 916-390-7140
27
28

Leslie Rohrdanz is a longtime friend of Kathy Hannappel. She will be called to testify regarding the financial and emotional hardship the Hannappels went through during Colorado Casualty's denial of benefits in 2011 and 2012.

18. Carol Adamo
26036 N. 11th Avenue
Phoenix, Arizona 85085
602-256-4486

Carol Adamo is a longtime friend of Kathy Hannappel. She will be called to testify regarding the financial and emotional hardship the Hannappels went through during Colorado Casualty's denial of benefits in 2011 and 2012.

19. Any witness listed by the Defendant;

20. Any custodian of records necessary to authenticate documents.

II. WITNESSES WHOSE DEPOSITION TESTIMONY WILL BE PRESENTED BY DEPOSITION

1. Kristen Gulstrom (by video testimony): 5:9-19, 7:9-25, 8:14-9:14, 10:13-11:10, 11:20-28:1, 28:11-47:2, 47:17-57:8, 58:4-60:14, 61:6-63:8, 63:23-66:18, 68:14-78:16, 80:23-84:23, 86:2-92:1, 92:14-97:1, 97:10-103:17, 105:25-108:10, 109:18-123:16, 123:25-125:19, 126:15-181:6; VOLUME II: 186:11-267:2, 267:18-329:5.

2. Alicia Aros (Rule 30(b)(6)): 4:12-7:13, 9:3-35:19.

III. EXHIBITS AT TRIAL

A. Exhibits That Will be Offered

Documents from Defendants' Claim File

EXHIBIT NO.	BATES NO.	DATE	DESCRIPTION
	CCAS-CF 00001- 00002	10/27/11	Fax to Gulstrom – TOCA 10/26/11

1		00003-00004	11/09/11	Hannappel –Doc Request to Gulstrom & Resp
2		00005-00006	09/30/11	Hannappel –Tartaglia Progress Note “on job injury” rec’d 10/31/11
3		00007	11/03/11	Hannappel – NCS claim denied
4		00008	11/03/11	Corres – Gulstrom to Hannappel RE: denial
5		00009-00027	10/13/11	Hannappel – Transcript of Recorded Statement of Michael Hannappel
6			10/13/11	Recorded Statement of Michael Hannappel Produced by Defendant on 12/10/13
7		00028-00032	10/13/11	Daniel Clem – Transcript of Recorded Statement of Daniel Clem
8			10/13/11	Recorded Statement of Daniel Clem Produced by Defendant on 12/10/13
9				
10		00033-00039	09/28/11	Kaiser Fax to Gulstrom – Kaiser job description, KCI doors, OT memo, lite duty
11		00040	09/15/11	Corres – Kaiser to Hannappel RE: Overtime
12		00041	09/30/11	Hannappel – Light Duty
13		00042-00043	10/17/11	Fax to Kaiser – Re: Shoulder update off work
14		00044	09/28/11	Email cover sheet for time cards and daily logs
15		00045	10/05/11	Email- MRI report
16		00046-00052	09/26/11	Hannappel – Kaiser Construction Daily Logs
17		00053-00054	10/11/11	Hannappel – Tartaglia Progress Note “work related”
18		00055-00057	10/05/11	MRI date stamped 10/14/11
19		00058-00059	10/13/11	Hannappel Fax to Gulstrom fax stamped RE: 10 years employment
20		00060-00068	10/13/11	Hannappel Fax to Gulstrom Re: Multiple Docts
21		00061-00062	09/30/11	Hannappel – Light duty
22		00063-00065	10/13/11	Tartaglia – Hannappel MRI
23				
24		00066-00068	10/13/11	Kaiser – Job Description: Superintendent
25		00069-00070	10/14/11	Hannappel Fax to Gulstrom Re: updated work restrictions (Off Duty) fax stamped
26		00071	10/13/11	Hannappel – Gulstrom hand notes
27		00075-00084	01/06/12	Fax to Gulstrom – TOCA Records 1/6/12
28				

1		00085	01/10/12	Hannappel – NCS claim approved
2		00086	01/10/12	Hannappel – Average Monthly Wage Calculation of Carrier
3		00087	10/03/11	Hannappel – Light Duty (2 weeks)
4		00088	10/14/11	Hannappel – Off Duty till further Evaluation
5		00091-00096	01/09/12	Tartaglia – Records date stamped 01/06/12
6		00096	01/09/12	UPS – Shipment Label
7		00102-00105	11/08/11	Tartalglia – Hannappel Progress Note
8		00106-00110	10/26/11	TOCA – Hannappel Evaluation
9		00111-00119	11/14/11	Hannappel Fax to Sarkisov Re:Kaiser paycheck stubs
10		00130-00131	01/21/12	ICA – Notice of Cancellation & Award
11		00133-00134	01/27/12	TOCA – Fax Cover Sheet Re: Physical Therapy Autho
12		00135-00136	01/27/12	Gateway Surgery Center – Operative Report
13		00142-00143	01/27/12	TOCA – Hannappel Physical Examination
14		00151-00153	10/26/11	TOCA – Hannappel Medical Records Date stamped 02/14/12
15		00154-00157	01/19/12	Gateway Surgery Center – Operative Report
16		00158-00159	02/15/12	UPS – Mail Shipment Label
17		00160-00161	02/15/12	TOCA – Hannappel Medical Records
18		00162	02/17/12	ICA – Average Monthly Wage
19		00163-00165	02/22/12	TOCA – Fax to Gulstrom Traumatic Arthropathy
20		00166-00167	03/02/12	Colorado Casualty – Gulstrom Ltr to Lederman
21		00168-00169	02/29/12	TOCA – Hannappel Medical Records
22		00177-00179	03/08/12	Co. Casualty – Lederman to Gulstrom Ltr Re:Treatment Plan
23		00184-00193	03/13/12	TOCA – Physical Therapy Progress Note Re: Pain Remains Same
24		00194-00198	01/06/12	Hannappel – Physicals/Progress Note

1		00205-00207	03/02/12	TOCA – Physical Therapy Progress
2		00208-00218	03/12/12	TOCA – PT Continue/Progress Note
3		00237-00238	03/21/12	TOCA – Hannappel Medical Records
4		00259-00260	03/28/12	Tartaglia Note – neuro consult
5		00273	02/08/12	PT evaluation
6		00301-00305	04/18/12	TOCA – Hannappel Medical Records
7		00306-00312	04/02/12	TOCA – PT Progress Report
8		00313-00319	04/19/12	Hannappel – Health Insurance Claim Form/PT Progress
9		00320-00323	05/05/12	Hannappel – Neurological Report
10		00324-00327	05/04/12	ICA – Notice of Cancellation of Hearing
11		00328-00329	04/04/12	Spratta email to Gulstrom Re: Hannappel work condition
12		00346-00347	04/16/12	Gulstrom email to Sarkisov, G Re: DOS payment
13		00348-00349	05/21/12	TOCA – Fax to Gulstrom Re: FCE request
14		00350-00352	05/16/12	Lederman Note
15		00370-00372	05/31/12	FCE approved
16		00382-00399	06/11/12	Goldstein Fax to Gulstrom Re: Functional Capacity Evaluation
17		00410	06/18/12	NCS Close Claim
18		00411	“	Sched Disability form
19		00413-00416	06/13/12	TOCA – Lederman MMI
20		00417-00420	06/21/12	Letter to Gulstrom Re: Notice of Perm Disability incorrect
21		00421-00424	06/13/12	TOCA – Hannappel Medical Records
22		00425-00429	06/20/12	TOCA – PT Progress Report
23		00430-00431	07/18/12	Letter to Gulstrom Re: Request to advance monthly LEC

1		00432-00434	07/18/12	Mailing Receipt's
2		00435-00439	08/01-08/22/12	Email chain Re: Advance LEC
3		00440-00449	09/11/12	Letter to Gulstrom Re:LEC Denial w/Fune Report
4		00450-00451	09/18/12	Gulstrom letter to Sarkisov Re:LEC reconsideration
5		00454-00460	10/05/12	ICA – Findings and Award for Unscheduled Permanent Partial Disability
6		00457-00461	10/03/12	ICA - Memorandum
7		00463	10/18/12	ICA – Request for Hearing
8		00464-00468	11/01/12	Cascade – LEC Report
9		00469-00470	11/01/12	ICA – Notice of Hearing (02/21/13)
10		00477	11/17/11	ICA – Request for Hearing
11		00479	11/10/11	Hannappel letter to Co. Casualty
12		00508-00513	11/23/11	Sarkisov letter to Gulstrom with Lederman 10/26 – date stamped 11/28/11
13		00514-00515	11/23/11	ICA – Notice of Hearing (02/14/12) date stamped 11/28/12
14		00516-00518	11/14/11	ICA – Request for Hearing
15		00519-00528	11/23/11	Fax to Gulstrom Re:Kaiser/Hannappel Attorney Letter
16		00529-00533	11/01/12	Cascade – LEC Report
17		00534-00539	11/01/12	ICA – Notice Of Hearing (02/21/13)
18		00562-00566	12/28/12	Nayhouse/Gulstrom emails Re:FCE & IME
19				
20		CCAS-CF00636-645		Payment ledger
21		CCAS-CF00646-00675	Various	Claim notes
22		TOCA SDT 00013-		Dr. Lederman medical records and COR declaration

	00036, 00088- 104; 00110- 113; 00189-196 00205-207		
			EXCERPTS FROM GULSTROM'S TRAINING MATERIALS DISCLOSED BY DEFENDANT
	CCAS- 00001, CCAS- 00089- 00091		Excerpts from the ICA claims manual
	CCAS- 0052-13		A.R.S. §23-1047
	CCAS- 00513-517		A.R.S. §23-1061, 1062
	CCAS- 00618-621		R20-5-163
	CCAS- 01056, 01061, 01068, 01069		WC-NHT state specific Q&A guide – state of Arizona
	CCAS- 00625- 00640		2011/2012 Best Practices
	CCAS- 00642-653		Applying the workers' compensation claim handling guideline
	CCAS- 00657-668		Commercial lines workers' compensation disabling claim handling guidelines
	CCAS- 00720-722		Applying the workers' compensation claim handling guidelines – facilitator guide
	CCAS- 00751		Applying the workers' compensation claim handling guidelines
	CCAS- 00767-772		Training exercise
	CCAS- 01051- 01055		The variable incentive plan

1		CCAS-01036-01050		The variable incentive plan – US plan document
2		CCAS-01052		“Our success begins with you” VIP plan
3		CCAS-01005-01012	2012	Gulstrom – objective setting and performance evaluation – mid year
4		CCAS-00997-1004	2012	Gulstrom objective setting and performance evaluation – year end
5		CCAS-CF0071		Gulstrom handwritten notes
6		MH0086	7/11/12	Notice of (unscheduled) permanent disability
7		Paseo SDT 00003		
8		00020-00029		Dr. Tartaglia records
9		SDT 00146-148	12/02/13	Dr. Tartaglia
10		Paseo SDT 00152-154	1/07/14	Dr. Tartaglia
11		Kaiser SDT 21-59	Various	Daily reports August –September 2011
12		Kaiser SDT 82-92		Unemployment application
13		SDT 100-104		Unemployment appeal
14		KDBL 00195-196		Sarkisov release authorizations
15		MH0802-807	11/15/13	Decision Upon Hearing and Findings and Award for Unscheduled Permanent Partial Disability

B. Exhibits That May be Offered

EXHIBIT NO.	BATES NO.	DATE	DESCRIPTION
	CCAS-CF 00001-		Entire claim file produced

1		00635		
2		CCAS-CF	03/28/12	Tartaglia note re: neuro consult
3		00259- 00260		
4		00330	02/17/12	ICA – Notice of Average Monthly Wage
5		00331- 00335	05/07/12	ICA – Findings & Award Approving Stipulation AMW
6		00339	05/09/12	TOCA – Hannappel Prescription “Continue Pt for Pain”
7		00340- 00345	04/25/12	TOCA – Physical Therapy Progress Rpt
8		00373- 00377	05/09/12	TOCA – Physical Therapy Progress Report
9		00378- 00381	05/16/12	TOCA – Hannappel Medical Records
10		00400- 00404	05/31/12	TOCA – PT Progress Report
11		00405- 00409	06/06/12	TOCA – PT Progress Report
12		00412	“	Supp Care
13		00471- 00472	03/13/12	ICA – Request for Hearing
14		00480- 00490	11/22/11	ICA – Applicant’s Compensability Interrogatories to Defendant Employer (491-502 one Duplicate)
15		00506- 00507	11/22/11	Letter to Gulstrom Rule 31 ltr
16		00548- 00550	11/21/12	Purpose Ltr to Rockowitz
17		00551- 00559	12/13/12	Fax to Gulstrom – Hannappel IME
18		00560- 00561	12/14/12	Certified Medical Consultants – Service Fee
19		00596- 00599	11/01/12	Cascade – LEC Report
20		00608- 00611	01/30/13	Liberty Mutual – Hannappel letter
21		CCAS- POL- 00001, 00021- 00022		Relevant pages of the insurance policy
22		CCAS-		WC-NAT-State Specific Q&A Guide – State of

1		010506-01113		Arizona (complete)
2		CCAS-00641-996		Claim handling guidelines – complete
3				Actual recording of Daniel Klem’s recorded statement
4				Actual recording Michael Hannappel’s recorded statement
5				Fune SDT
6		00119-125		Hannappel resume and submission form
7		Paseo SDT 00045-47	01/13/12	Dr. Tartaglia note
8				
9		Paseo SDT 0058-59		Dr. Taraglia’s note 2/24/12
10				
11		Paseo SDT 00064		Email chain
12				
13		SDT 00073-75	03/28/12	Dr. Tartaglia note
14		Paseo SDT 00076-77	04/12/12	Dr. Kahlon
15				
16		00086-87	06/29/12	Dr. Tartaglia
17		Paseo SDT 00088-89	05/21/12	Dr. Altman
18				
19		Paseo SDT 00090-91	06/06/12	Dr. Altman
20				
21		Paseo SDT 00092-93	06/25/12	Dr. Altman
22				
23		Paseo SDT 00101-103	09/09/12	Dr. Tartaglia
24				
25		Paseo SDT 00104-105	12/31/12	Dr. Tartaglia
26				
27		Paseo SDT 00139-142	08/21/13	Dr. Tartaglia
28				

	Paseo SDT 00143-144	09/14/13	Dr. Tartaglia
	KDBL 000232	10/12/12	Check
	KDBL 000276- 277		Priors list
	KDBL 000278- 402		ICA prior records
		03/03/14	Video of Ronald Lampert M.D., IME
	MH1065- 1067	12/28/11- 01/05/12	Email chain
	MH0968	07/17/12	Email
	MH0969	05/21/12	Email
	MH1050- 1051	07/17/12- 08/01/12	Email chain

DATED this 31st day of March, 2014.

ROBERT J. HOMMEL, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2014, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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